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*Attorneys for Defendant NIBCO INC.*  
(additional counsel listed in signature block)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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**KIMBERLY COLE and ALAN COLE, *et al.*,  
on behalf of themselves and all others  
similarly situated,**

**Plaintiffs,**

**v.**

**NIBCO INC.,**

**Defendant.**

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**: CIVIL ACTION NO.  
: 13-CV-07871-FLW-TJB  
:  
: NOTICE OF NIBCO  
: INC.'S MOTION FOR  
: SUMMARY JUDGMENT  
:  
: Document Electronically  
: Filed  
:  
: Oral Argument Requested  
:**

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**PLEASE TAKE NOTICE** that Defendant NIBCO INC. (“NIBCO”), by and through its undersigned attorneys, pursuant to Rule 56 of the Federal Rules of Civil Procedure and L. Civ. R. 7.1 and 56.1, and upon the accompanying Memorandum of Law, hereby gives notice of its intent to move this Court, before the Honorable Freda L. Wolfson, in the United States District Court for the District of New Jersey, at the Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, New Jersey, on or before August 21, 2017, or at a time to be designated by the Court, for an Order granting its Motion for Summary Judgment and entering judgment in favor of NIBCO on the following claims: all of McCoy’s claims; all of Sminkey’s claims; all of Boyd’s claims; all of the Coles’ claims except their TPLA design defect claim in Count III; all of Monica’s claims; all of the Pepernos’ claims; all of McMahon’s claims; and all of the Medders’ claims.

**PLEASE TAKE FURTHER NOTICE** that NIBCO requests oral argument if opposition to this Motion is filed.

A proposed form of Order is attached.

Dated: June 9, 2017

Respectfully Submitted,

/s/ Franco A. Corrado

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